

1809—The Lincoln Centenary—1909

# Lincoln as a Lawyer

Great Before a Jury and  
Successful Before Judges.  
His Unwillingness to Take  
an Unjust Case

By James A. Edgerton

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ONE of the first books read by Mr. Lincoln was the "Statutes of Indiana," and his biographers aver that he devoured it with as much eagerness as most boys read "Robinson Crusoe." I must be excused if I express my doubts on this subject. It may be that young Lincoln read the statutes in question with interest because of the lack of anything else to read, but I know the genius boy too well to believe that any member of it would desert the "Arabian Nights" for the legal enactments of the state of Indiana. The literary rank of Indiana is deservedly high, and some of her budding authors may have been writing her laws at this time, but even so there are certain limitations due to the phraseology and subject matter which would prevent them from having the charm of a Dickens or the descriptive powers of a Hugo. It is hard to grovel eloquent with every third word an "aforesaid." The regular Indiana novelist would find handicaps in going his literary pace while trying to prevent—or to create—loopholes for the race of lawyers. Therefore that tale of Lincoln and the Indiana statutes must be classed with Washington and the cherry tree. They are fine stories, but they do violence to the well known character of the American boy.

There is not the slightest question, however, that Abe did read the statutes of Indiana at an age which in most cases would have proved fatal

yielding on a point he considered vital. None could be more conciliatory and pliable on mere matters of every day.

One other notable trait in Lincoln the lawyer was his neglect to charge large fees. His bills were always moderate, so much so that he created murmurs among his brother attorneys. The desire for gain in a money way seemed totally lacking in his makeup. Often with poor clients he would accept nothing at all. At other times his charges were nominal. In the vast majority of cases they seemed pitifully small, even for his own day. Lincoln was a first class lawyer, universally so recognized, one of the best at the Illinois bar. He was retained in some of the biggest cases and by some of the largest interests in the state. His moderate fees, therefore, were unnecessary. They grew out of the very temperament and nature of the man.

By far the most notable trait in Lincoln as a lawyer, however, was his unwillingness to take an unjust case. In numerous instances he refused outright to enter into such suits. At other times, if he found he was on the wrong side, the spirit seemed to go out of him, and he would practically let the case go by default or would deliberately handle it in such a way that it was sure to be decided against him. I know the sophistry that will be advanced in some quarters against such a course. With Lincoln it was not a matter for argument. It was

he could bring the contending parties together and have them adjust their quarrel, even though he lost a case and a fee, he seemed entirely happy at the result. The mercenary and unprofessional practice of cooking up litigation and of trying to get people into lawsuits that would not have been brought except at the instance of some shyster lawyer he would have looked on with horror and contempt. One more potent reason why he and his kind of practitioners are needed now!

Practically all of Abraham Lincoln's adult life other than that spent in politics and in public office was devoted to the law. He never seemed so happy as when riding the circuit. Here he was in his element, working by day and telling stories far into the night. It must not be imagined, however, that the two pursuits interfered. When there was serious business on hand no one could be in more deadly earnest than Lincoln. He was a close reasoner and one whose logical force was feared by every antagonist. If he indulged in a story at all in his argument it was only to illustrate a point or drive home a principle. Lincoln told stories as other men take up pastimes and dissipation. They were his cards, his drink, likewise his escape from labor and worry. He was a social soul, and they bound him to his kind. He in a way was something of a preacher, and they helped give his lessons and sugar coat his sermons. Such sermons as he did preach were for the most part concealed and were hence all the more effective. The moral that is thrust forward too prominently may arouse antagonism instead of winning unconscious assent. Lincoln knew how to win people to truth rather than drive them to it. His moral nature was conspicuous, but not harsh. He taught by parable and merciful example rather than by the big stick. His spirit belonged to the school of the Nazarene rather than to that of Caesar.

He was a most successful cross questioner, but resorted to none of the contemptible habits of badgering and browbeating witnesses. Rather he won the confidence of the one he was questioning until the truth would come out in spite of prearranged plans to conceal it. No man was more pitiless to sham and deceit, but the merely timid or confused had nothing to fear from him. He was gentle with the weak and used his great strength only on a deliberate rogue or on an antagonist of his own size. He was seldom angry, but at such times was said to be terrifying and almost unearthly in his wrath, a veritable lion of men.

Lincoln the lawyer should become a type to his own profession. The more lawyers study his career, his spirit, his methods and his ethical standards, the more they will see the rightness and greatness of the man. From my viewpoint practically his every attitude is one needed by the profession now and for all time. His refusal to take an unjust case, his efforts as a peacemaker, his frowning down on all attempts to "cook up" suits, his lack of commercialism, his dependence on right and original reasoning rather than on precedent, his driving straight to the root of a case and brushing aside the nonessentials, his courteous, sympathetic but effective treatment of witnesses and, above all, his high ideal of his calling—all these things, it seems to me, should be held aloft as models to every lawyer in the land. That he should be so made a standard and example is a thing that interests not only lawyers, but all citizens. So long as the corporation attorney, the lawyer lobbyist and the legal protector or sometimes abettor of criminals is in our midst so long will these burning questions be before every community. The lawyer is licensed by society and owes his first duty to the power that made him. It is time that we looked at this matter as it is and settled it according to God's truth and not according to man made fictions.

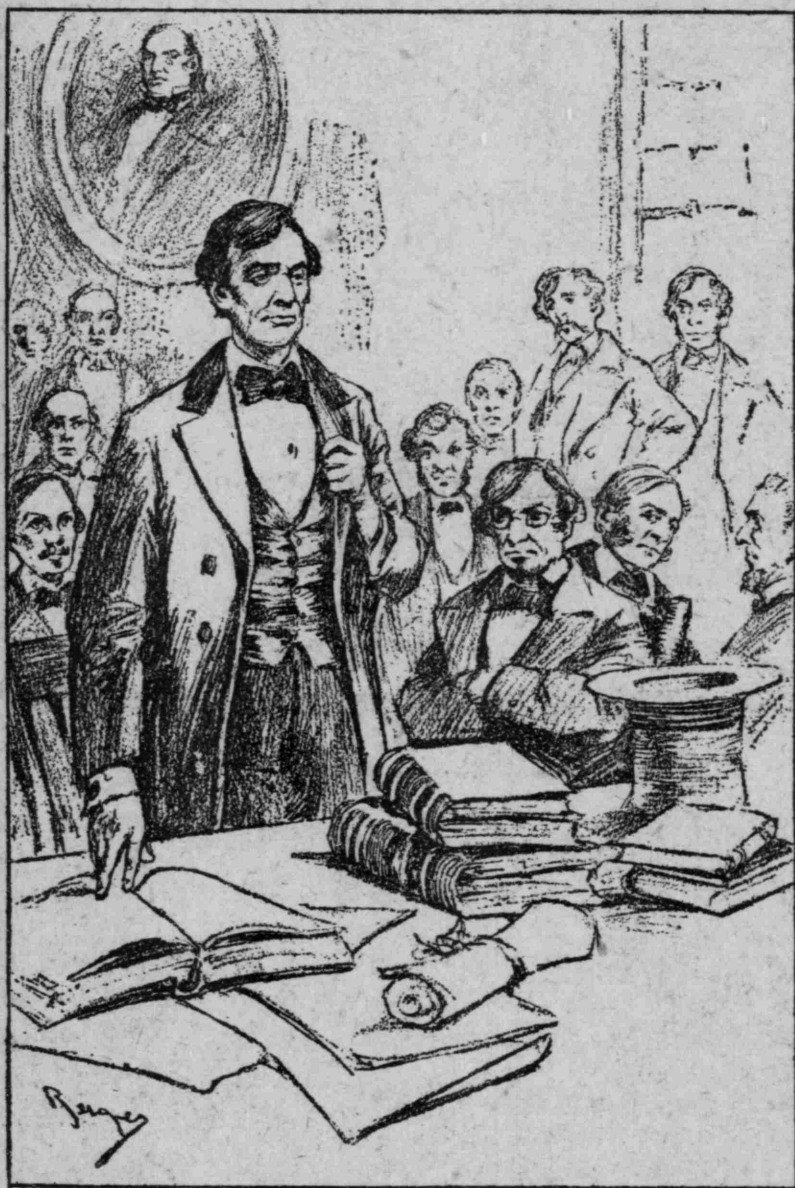
At one time Mr. Lincoln went to Cincinnati to try a noted case, where he met Edwin M. Stanton and other legal luminaries from the east. His own part in the trial was not conspicuous, but he carried from the Ohio city at least one great resolve. He saw that the college bred lawyers were traveling west, and he determined to be ready and worthy to meet them. "I am going home to study law," said this seasoned attorney, who was already the senior lawyer in his judicial circuit.

This was no weakling, content with mediocre success, but one who would measure with the best.

Lincoln the lawyer showed the same hatred of injustice and the same opposition to those who live in the sweat of other men's faces that were in evidence throughout his career. He was never so happy as when righting some wrong, defending the weak against the powerful or defeating some grasping scoundrel who was trying to grind the faces of the poor. He never sunk the man in the lawyer. His hardships made him a friend of those who toil.

This made the people trust him. These same qualities that drew to him the love of the masses in the beginning have held and increased that love to this day. There was nothing in him to appeal to the selfish classes or the predatory interests. The liberator has never aroused any very genuine love from this source. These people are not in favor of freeing slaves, either bond slaves or wage slaves. It interferes with their business. So whatever adulation of Lincoln there comes from these high and mighty quarters is mostly lip service, given because his praise is in fashion. Not but what he has qualities which would melt even the hard hearts of the dollar worshippers. Yet if they knew just what he thought of them and of their kind, either they would have a poorer opinion of him or of themselves.

The great emancipator was likewise a peacemaker. His first effort was to have his cases settled out of court. If



He was a power in the courtroom.

That he survived shows his hardy mental and physical constitution. During his unfortunate mercantile experience he also read Blackstone, interspersing his law with gingham, coffee and tea, tobacco, sorting out the mail—for he was also postmaster—talking politics and telling the inevitable story.

He also read other law books presumably, although the requirements for admission to the bar at that early day were not remarkably stiff. It is on record, however, that he pursued his studies while surveying and during his early service in the legislature; also while practicing in the justice court.

Lincoln was a thorough student, although he did not probe for precedents so much as most lawyers. He was strongest in a case that involved abstract justice, that required original reasoning and that hinged on some question of moral law or human rights. At such times he was invincible. He would also read up his case in the books if necessary, but he could not successfully turn his face to the past and depend on the dictum of dead men. He was a great jury lawyer, but his numerous victories in the supreme court of Illinois testified that he was likewise successful before judges.

One of the most conspicuous of Lincoln's characteristics was his neglect of the trivial and inconsequential. Mere formal things did not interest him. The nonessential he brushed aside as though it did not exist. Point after point he conceded as of no importance. He drove straight to the heart of the question, and there he won his fight if at all. He found the nub of the matter, and there he hung. Nobody could be more firm and un-

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Then came the historic ceremony in the Hall of Mirrors at Versailles. Paris had just been captured by King William of Prussia, and it was held to be a fitting time and place to proclaim him the first German emperor. Never since the dawn of history was an empire born more dramatically.

By a strange irony of fate, too, its birth took place amid the ruins of the French empire, itself the creation of a day, or, rather, to be strictly accurate, of a night. France went to bed on the evening of Dec. 1, 1851, a republic. When it awoke next morning it was an empire. During the hours of darkness Paris had been occupied by troops, and the prince-president had become Napoleon III.

Equally sudden and almost as sensational in its way was the birth of the modern Greek empire. After the yoke of the Turks had been thrown off in the war of independence the country became a republic. But the people soon tired of that democratic form of government and promptly proceeded to assassinate their first and only president. Then they met together, elected a king and settled themselves down to be ruled by him in a quite orderly and contented fashion.—San Francisco Chronicle.

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